HONOURABLE SMT. JUSTICE T.MEENA KUMARI
&
HONOURABLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No:21466 OF 2007

Dated: 09.10.2007

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Between:

K. Mutyalu ..**Petitioner**

And

1. South Central Railway,
   represented by its General
   Manager, Secunderabad and another.

..**Respondents**

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HONOURABLE SMT. JUSTICE T.MEENA KUMARI
&
HONOURABLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No:21466 OF 2007

ORDER: (per Hon'ble Smt. Justice T. Meena Kumari)

The present writ petition has been filed challenging the order of the Tribunal in O.A.No.596 of 2006, dated 25.9.2007.

The petitioner herein is the applicant before the Tribunal. He filed the above O.A. seeking to declare that the selection for Ball Badminton Quota and awarding only 2 marks out of 40 in the trials to the applicant as illegal and arbitrary and to direct the respondents to conduct fresh trials and interviews for Ball Badminton Sports persons by associating A.P. state Ball Badminton Association or A.P. Olympic

Association.

The tribunal having observed that merely because the trial committee put three marks and 2 marks for 40, it cannot be said that they have not assessed the performance of the candidates and it is not for the tribunal to observe that the trial committee ought to have awarded more marks than the marks awarded and that the tribunal cannot interfere with the marks and that the selection committee followed the procedure prescribed for selection of candidates under sports quota to Group 'C' posts and that there are no malafides on the part of the respondents, dismissed the O.A. Having aggrieved by the same, the present writ petition has been filed.

The learned Counsel for the petitioner contended that the respondents have not measured the performance properly and they have acted in most arbitrary manner and that he possesses the best track record and the respondents intentionally awarded two marks out of 40 with a view to deprive him of selection and therefore, the tribunal is not justified in dismissing the O.A.

Heard the learned Counsel and perused the material on record.

Admittedly, the matter is relating to the selection process in Ball Badminton category. According to the petitioner, the selection committee gave two marks to him out of 40 with a malafide intention to deprive him of selection. The order of the Tribunal goes to show that the selection committee followed the procedure prescribed for selection of candidates, but however, not only the applicant, but nobody was selected under the Ball Badminton quota. If really, the selection committee has intention to cause deprivation to his selection, it would have selected some other person. But in the instant case, nobody was selected under the Ball Badminton quota as nobody has shown the required performance. Apart

from that, in a case of this nature, the Courts cannot sit over the selection process and therefore, we have no hesitation to hold that the order of the tribunal does not suffer from any illegality.

In this view of the matter, we see no merits in this writ petition and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. NO order as to costs.

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Justice T. Meena Kumari

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Justice G. Chandraiah

Date: 9th October, 2007
Nn/Gurc.

HONOURABLE SMT. JUSTICE T.MEENA KUMARI
&
HONOURABLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No:21466 OF 2007

(Order delivered by the Hon'ble Smt. Justice T. Meena Kumari)

09/10/2007